AGENDA

CHARLOTTE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

Administration Center, County Commission Meeting Room #119 18500 Murdock Circle, Port Charlotte, Florida 33948-1094

HEARING MINUTES OF MARCH 4, 2020

- I. CALL TO ORDER
 SPECIAL MAGISTRATE DEREK ROONEY CALLED THE HEARING TO ORDER AT 9:00 A.M.
- II. PLEDGE OF ALLEGIANCE
- III. SWEARING IN OF ALL THOSE GIVING TESTIMONY TODAY

HEATHER BENNETT ADMINISTERED THE OATH

IV. NEXT MEETING DATE APRIL 1, 2020

V. CITIZEN INPUT – AGENDA ITEMS ONLY

Anyone wishing to address the Special Magistrate during this portion of the meeting must state their name for the record, and state which agenda item(s) will be addressed. There will not be any discussion.

VI. AGENDA CHANGES

UNDER AGENDA ITEM IX - AFFIDAVITS OF NONCOMPLIANCE:

- COD-18-03848- SPECIAL MAGISTRATE CONTINUED
- COD-18-02557- SPECIAL MAGISTRATE CONTINUED
- COD-18-03983- SPECIAL MAGISTRATE CONTINUED
- COD-18-01739- SPECIAL MAGISTRATE CONTINUED

UNDER AGENDA ITEM X - NEW BUSINESS:

- COD-19-03830-CONTINUED
- CITCE-19-00011-SPECIAL MAGISTRATE DISMISSED
- CITCE-19-00010-SPECIAL MAGISTRATE DISMISSED

VII. UNFINISHED BUSINESS

NONE

VIII. OLD BUSINESS

NONE

IX. CONFLICT CASES

COD-19-03394, JDI FARMS, INC, 2150 State Road 31, Punta Gorda [Sections 3-5-479 & 3-9-30]

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$100 for each day a violation exists.

COD-19-02908, Kay Chan & John Svedberg, 8461 Sweden Blvd or 8479 Sweden Blvd, Punta Gorda [Sections 3-9-5(b), 3-9-30(e) & 3-9-76; & FBC Section 105.1]

DISMISS SECTION- 3-9-30(e) & 3-9-76

ORDER- The County recommends the Respondents be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.

X. CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by the Magistrate that item(s) will be removed from the Consent Agenda and considered separately.

- 1. **COD-11-02892,** Lubin Venite & Anneau Gilbert, 1428 Capricorn Blvd, Punta Gorda Eighth Affidavit of Non-Compliance \$70.00 GR
- 2. **COD-14-03056,** Bobbie Evans & Christine Evans, 20384 Kinderkemac Ave, Port Charlotte Fifth Affidavit of Non-Compliance \$70.00 GR
- 3. **COD-16-01372,** Suzanne Sneddon, 3300 Loveland Blvd, Unit 2403, Port Charlotte Fourth Affidavit of Non-Compliance \$70.00 GR
- 4. **COD-16-02572**, Loisteen Murff & Sonya Warren, 2361 Jamaica St, Port Charlotte Seventh Affidavit of Non-Compliance \$70.00 GR
- 5. **COD-18-01405,** George Kauffman, 1526 Paxton Ter, Port Charlotte Third Affidavit of Non-Compliance \$70.00 **JOHNATHAN KAUFFMAN PRESENT** GR
- 6. **COD-18-02259**, Deborah Hull, 23048 Jumper Ave, Port Charlotte Sixth Affidavit of Non-Compliance \$70.00 GR
- 7. **COD-18-03716,** Dionys Nadler & Amia Nadler, 59 San Matias Ave, Punta Gorda Third Affidavit of Non-Compliance \$70.00 **DEBORAH HULL PRESENT** GR
- 8. **COD-18-03848,** James McLean & Susan McLean, 2435 Conway Blvd, Port Charlotte Second Affidavit of Non-Compliance \$4,520.00 **SUSAN MCLEAN PRESENT CONTINUED BY SPECIAL MAGISTRATE** GR
- 9. **COD-18-04132,** James Garland, 1815 Banana St, Port Charlotte –Affidavit of Non-Compliance \$70.00 **JAMES GARLAND PRESENT** GR
- 10. **COD-19-00392**, DK Real Estate MGMT, 27101 Sunnybrook Rd, Punta Gorda Affidavit of Non-Compliance \$120.00 GR
- 11. **COD-19-01523**, Kevin Kupper & Wayne Haberkorn, 1067 Riggs St, Port Charlotte Affidavit of Non-Compliance \$70.00 GR
- 12. **COD-19-01718,** Oscar Johnson, 20261 Astoria Ave, Port Charlotte Affidavit of Non-Compliance \$70.00 GR

- 13. **COD-19-02114,** Michael Hawkins, 23272 McCandless Ave, Port Charlotte Affidavit of Non-Compliance \$70.00 GR
- 14. **COD-19-02394,** Mihai Arhire & Mihaela Diamandi, 8179 Walbert St, Port Charlotte Affidavit of Non-Compliance \$70.00 GW
- 15. **COD-17-03731**, Robert Gregory, 9038 Calumet Blvd, Port Charlotte Third Affidavit of Non-Compliance \$70.00 JC
- 16. **COD-19-01036,** Ronald Fisher, 19972 Kenilworth Blvd, Port Charlotte Second Affidavit of Non-Compliance \$4,520.00 JC
- 17. **COD-19-01686,** Sarah Facey, Trustee, 20570 Tappen Zee Dr, Port Charlotte –Affidavit of Non-Compliance \$70.00 JC
- 18. **COD-14-02394,** Martin Redovan & Ann Redovan, 1978 Georgia Ave, Englewood Seventh Affidavit of Non-Compliance \$70.00 ANN REDOVAN & AL BRETON PRESENTJD
- 19. **COD-15-01748,** Michael Cortman, 76 Oakland Hills Ct, Rotonda West Seventh Affidavit of Non-Compliance \$70.00
- 20. **COD-16-03730,** Luciano Luzi, 104 Broadmoor Ln, Rotonda West Sixth Affidavit of Non-Compliance \$70.00 **MR. LEWIS (ATTORNEY) PRESENT** JD
- 21. **COD-18-01177,** Thomas Young, 37 Oakland Hills Ct, Rotonda West Fifth Affidavit of Non-Compliance \$4,520.00 JD
- 22. **COD-18-02557**, Caren Herman, Estate, 2851 Waterside Dr, Englewood Second Affidavit of Non-Compliance \$4,520.00 **RANDY TOWMBLY PRESENT SPECIAL MAGISTRATE CONTINUED**JD
- 23. **COD-19-00665,** Dale Foster & Carole Foster, 1447 Flamingo Dr, Englewood Second Affidavit of Non-Compliance \$4,520.00 JD
- 24. **COD-16-02894**, Robert Motzer & Bunny Motzer, 143 Rodgers Ave, Port Charlotte Fifth Affidavit of Non-Compliance \$4,520.00 **ROBERT MOTZER PRESENT** PD
- 25. **COD-18-01771,** ZA INVESTS INC, 106 Leland St SE, Port Charlotte Affidavit of Non-Compliance \$120.00 PD
- 26. **COD-19-01342,** Craig McKendry & Christine McKendry, 3140 Conway Blvd, Port Charlotte Second Affidavit of Non-Compliance \$4,520.00 PD
- 27. **COD-19-02564,** Brad Mackie, 21248 Edgewater Dr, Port Charlotte Affidavit of Non-Compliance \$1,222.50 PD
- 28. **COD-17-02134,** Gladys Perez & Israel Colon, II, 3340 Edgehill Ter, Port Charlotte Sixth Affidavit of Non-Compliance \$120.00 RL
- 29. **COD-18-03432,** Christine Marfut, 21219 Glendale Ave, Port Charlotte Fourth Affidavit of Non-Compliance \$270.00 RL

- 30. **COD-19-02732,** DK REAL ESTATE, MGMT, 21622 Augusta Ave, Port Charlotte Affidavit of Non-Compliance \$120.00
- 31. **COD-18-02261,** Troy McCol & Lisa McCol, 4390 Wischamper St, Port Charlotte Fourth Affidavit of Non-Compliance \$70.00
- 32. COD-18-03983, Dexter Pereira, 4087 Conestoga St, Port Charlotte Affidavit of Non-Compliance \$70.00 DEXTER PEREIRA PRESENT CONTINUED BY SPEACIAL MAGISTRATE
- 33. **COD-16-01610,** Carl Carino & Calvin Blount Estate, 12093 Tribune Blvd, Punta Gorda Sixth Affidavit of Non-Compliance \$70.00
- 34. **COD-17-00418,** Bernard Vonkarstedt, Life Estate, 7457 Strasse Blvd, Punta Gorda Sixth Affidavit of Non-Compliance \$120.00
- 35. **COD-18-00583,** David Albritton, 1904 Education Ave, Punta Gorda Fourth Affidavit of Non-Compliance \$120.00
- 36. **COD-18-01022,** Cynthia Smith, 16060 Hibiscus Dr, Punta Gorda Fourth Affidavit of Non-Compliance \$70.00
- 37. **COD-18-01682,** Ruth Eversley, 29255 Polk Dr, Punta Gorda Fourth Affidavit of Non-Compliance \$70.00
- 38. **COD-18-01739,** James White & Dorothy White, 4716 Almar Dr, Punta Gorda Fifth Affidavit of Non-Compliance \$4,520.00 **JAMES WHITE PRESENT CONTINUED BY SPECALL MAGISTRATE**TJ
- 39. **COD-18-01993,** Shane Leone, 6150 Golf Course Blvd, Punta Gorda Fifth Affidavit of Non-Compliance \$4,520.00
- 40. **COD-18-02437**, James Lilley, 233 Sunset Blvd E, Punta Gorda Third Affidavit of Non-Compliance \$2,154.50
- 41. **COD-18-02674,** Jordan Mayer, 13313 Menorah Dr, Punta Gorda Fifth Affidavit of Non-Compliance \$1,860.00
- 42. **COD-18-03208,** Stephen Skevington & Samantha Skevington, 11369 First Ave, Punta Gorda Fourth Affidavit of Non-Compliance \$497.50
- 43. **COD-19-01605**, Stephen Skevington & Samantha Skevington, 11369 First Ave, Punta Gorda Second Affidavit of Non-Compliance \$4,520.00
- 44. **COD-19-00360,** Richard May & Hazel May, 1815 Lavilla Rd, Punta Gorda Second Affidavit of Non-Compliance \$9,020.00
- 45. **COD-19-00456,** Karl Spurlock & Catherine Spurlock, 4050 Woodholm Dr, Punta Gorda Third Affidavit of Non-Compliance \$70.00

- 46. **COD-19-00515,** Karl Spurlock & Catherine Spurlock, 4100 Woodholm Dr, Punta Gorda Third Affidavit of Non-Compliance \$70.00
- 47. **COD-19-01038,** Rosemarie Kluever, 3201 Amanda St, Punta Gorda Fourth Affidavit of Non-Compliance \$657.50 **ROSEMARIE KLUEVER PRESENT** TJ
- 48. **COD-19-01291,** Wayne Thibodeau & Rose Thibodeau, 5393 Swaying Palm Dr, Punta Gorda Second Affidavit of Non-Compliance \$9,020.00
- 49. **COD-19-01660**, Wayne Thibodeau & Russell Thibodeau, 5400 Swaying Palm Dr, Punta Gorda Second Affidavit of Non-Compliance \$1,900.00
- 50. **COD-19-01306,** Wayne Peterson, 5407 Swaying Palm Dr, Punta Gorda Second Affidavit of Non-Compliance \$620.00
- 51. **COD-19-01413,** Bruce Mathews, Jr & Valerie Miller, 1613 Hickory Ave, Punta Gorda Second Affidavit of Non-Compliance \$4,520.00
- 52. **COD-19-02191**, Bernard Vonkarstedt L/E, 7473 Strasse Blvd, Punta Gorda Second Affidavit of Non-Compliance \$4,520.00
- 53. **COD-19-02563,** USSA Federal Saving Bank, 1417 Coral Ridge Dr, Punta Gorda Affidavit of Non-Compliance \$210.00
- 54. **COD-19-02858,** David Michael & Carol Michael, 3115 Chapman Blvd, Punta Gorda Affidavit of Non-Compliance \$70.00
- 55. **COD-19-02945**, Debra Matthews, 15399 Mapletree Dr, Punta Gorda Affidavit of Non-Compliance \$70.00 **DEBRA MATTHEWS PRESENT** TJ
- 56. **COD-19-03010,** Joshua Blanchard, Trustee, 4228 Worchester Dr, Punta Gorda Affidavit of Non-Compliance \$255.00
- 57. **COD-19-03072,** Felix Lexima, 241 Sunset Blvd E, Punta Gorda Affidavit of Non-Compliance \$120.00
- 58. **COD-18-03440,** James Raimer & Joan Raimer, 647 Tamiami Trl, Port Charlotte Affidavit of Non-Compliance \$70.00 WW

MAGISTRATE DEREK ROONEY APPROVED THE REMAINING AFFIDAVITS OF NON-COMPLIANCE.

XI. NEW BUSINESS

A. COD-19-03231, Carolyn Zuvich, 21395 Meehan Ave, Port Charlotte [FBC Sections 105.4 & 110.3]

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.

B. COD-19-03617, FOUR MILE COVE INVESTMENTS, LLC, 21155 Meehan Ave, Port Charlotte [Sections 2-5-72, 3-9-33(e) & 3-9-76; & IPMC Sections 301.2, 301.3, 304.7 & 604.3]

DISMISS SECTION- 2-5-72

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$100 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

C. CITCE-19-00011, HAZELTINE NURSERIES INC, 10300 Coral Landings Ct or 10401 Coral Landings Ct, Placida [Sections 3-9-100(e)(5), 3-9-100.3(o)(1)] STEVEN HAZELTINE PRESENT GW

ORDER-DISMISSED BY SPECIAL MAGISTRATE

D. CITCE-19-00010, LANDINGS AT CORAL CREEK OWNERS' ASSOCIATION, INC, 10300 Coral Landings Ct or 10401 Coral Landings Ct, Placida [Sections 3-9-100(e)(5), 3-9-100.3(o)(1)] JAMES BLACKBURN PRESENT GW

ORDER- DISMISSED BY SPECIAL MAGISTRATE

E. **CITCE-20-00001**, FLORIDA TREE & GROUND MAINTENANCE, INC, 4318 Tamiami Tr or 4336 Tamiami Tr, Port Charlotte [Sections 3-9-100(e)(4)(5), 3-9-100(g)(6) & 3-9-100.3(o)(1)] GW

SPECIAL MAGISTRATE DISMISSED COUNTY SECTIONS: 3-9-100(e)(4)(5) & 3-9-100.3(o)(1)

ORDER-The County recommends Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$100 for each day the violation continues to exist.

F. **COD-19-03129**, James Lilley, 233 Sunset Blvd E, Punta Gorda [Sections 3-6-21 & 3-9-5(b); & FBC Section 105.1]

DISMISS FBC Section 105.1

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.

G. **COD-19-03424,** CSMA FT, LLC, 12433 Catalina Dr, Punta Gorda [FBC Sections 105.4, 105.4.1, 105.4.1.1, 105.4.1.2, 105.4.1.3, 105.4.1.4 & 110.3] TJ

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$100 for each day the violation continues to exist.

H. COD-19-03504, Shane Leone, 6150 Golf Course Blvd, Punta Gorda [Sections 3-9-33(e) & 3-9-76

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

I. **COD-19-03534,** Blanca Ferreira, 15544 Orangeade Dr, Punta Gorda [Sections 3-9-37(e), 3-9-76 & 3-9-79.1; & IPMC sections 301.2, 304.2, 304.10 & 304.14] TJ

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

J. **COD-19-03602**, Linda Scott-Irwin, 4701 Greenbriar Dr, Punta Gorda [Sections 2-5-72, 3-9-33(e) & 3-9-76; & IPMC Sections 301.2, 301.3 & 302.7]

DISMISS SECTIONS-3-9-33(e) & 3-9-76; & IPMC Sections 301.2, 301.3 & 302.7 ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

K. **COD-19-03830,** Orville Wahl, 12031 Green Gulf Blvd, Punta Gorda [Sections 3-9-33(e), 3-9-76-& 3-9-79.1]

The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs. CONTINUED

L. **COD-20-00034,** TRUE HAVEN, LLC, 4327 Mundella Cir, Port Charlotte [Sections 3-9-33(e) & 3-9-76; & IPMC Sections 301.2, 301.3, 302.7, 303.1, 304.1, 304.2, 304.6, 304.7, 304.10, 304.13, 304.13.1 & 304.15] **SANDRA KIRK PRESENT(CIT.INPUT)** SR

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$250 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

M. COD-19-02924, Gregory Beck & Mauritza Beck, 4217 Nettle Rd, Port Charlotte [FBC Sections 105.4 & 110.3] JC

ORDER-The County recommends the Respondents be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.

N. COD-19-03092, Pauline Strike, 510 Madeira St, Port Charlotte [Sections 3-9-33(e) & 3-9-76; & IPMC Sections 301.2 & 304.7] PAULINE STRIKE & JOE STRIKE PRESENTJC

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 90 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

O. COD-19-03741, Sheryl Evans, 12192 Pandowdy Ave, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1]

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.

P. **COD-19-03249**, Russell Gartland, 73 Hannah St, Port Charlotte [FBC Sections 424.2.17, 424.2.17.1, 424.2.17.1.2; & IPMC Sections 108.1, 108.1.1, 108.1.2, 108.1.3, 108.1.4, 108.1.5, 109.2, 110.1, 302.7, 303.1, 303.2, 304.1, 304.1.1, 304.2, 304.5, 304.6 & 304.7] **CASEY GARTLAND (ATTORNEY) PRESENT** GR

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 90 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.

Q. **COD-19-03283,** Corey Collins, 125 Chickering St, Port Charlotte [Sections 3-2-283, 3-6-21, 3-9-5(b), 3-9-33(e) & 3-9-76; & FBC Sections 105.1, 105.4, 110.3, 424.2.17, 424.2.17.1, 424.2.17.1.1 & 424.2.17.1.2; & IPMC Sections 302.7, 303.1 & 303.2] **COREY COLLINS PRESENT** GR

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 45 days from the date of the Order to secure residential swimming pool consistent with Florida Building Code; 90 days from the date of this Order to bring the remaining violations into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

R. **COD-19-03343,** DK REAL ESTATE, MGMT, 1212 Orlando Blvd, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1]

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$100 for each day the violation continues to exist.

S. **COD-19-03556,** 5801 SABAL PALM LN, LLC, 2200 Broadpoint Dr, Punta Gorda [Section 3-2-115; & IPMC Sections 108.1, 108.1.1, 108.1.2, 108.1.5, 304.1, 304.1.1, 304.2, 304.3, 304.5, 304.6, 304.10, 304.12, 304.13, 307.1 & 702.1] **DENNIS COUGHLIN (BOARD MEMBER) PRESENT** GR

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to secure the property; 120 days to bring the property into compliance or thereafter fined \$100 for each day the violation continues to exist.

XII. STAFF AND CITIZEN INPUT – ANY SUBJECT

L. COD-20-00034, TRUE HAVEN, LLC, 4327 Mundella Cir, Port Charlotte [Sections 3-9-33(e) & 3-9-76; & IPMC Sections 301.2, 301.3, 302.7, 303.1, 304.1, 304.2, 304.6, 304.7, 304.10, 304.13, 304.13.1 & 304.15] **SANDRA KIRK PRESENT (CIT.INPUT)** SR

ORDER-The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$250 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

XII. ADJOURNMENT

SPECIAL MAGISTRATE DEREK ROONEY ADJOURNED THE HEARING AT 12:13 pm

MINUTES APPROVAL CERTIFICATION

I, Heather Bennett, Administrative Assistant for Charlotte County, hereby approve and certify these minutes to be a true and accurate account of the Code Enforcement Special Magistrate Heari held on March 4 th , 2020.	
Heather M. Bennett	Date Approved